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Siemens Corporation
Attn: Elsa Keller, Legal Administrator
Intellectual Property Department
186 Wood Avenue South
Iselin, NJ 08830

EXAMINER

JUNTIMA, NITTAYA

ART UNIT	PAPER NUMBER
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2616

MAIL DATE	DELIVERY MODE
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06/12/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/933,615

Applicant(s)

BEYDA, WILLIAM J.

Examiner

Nittaya Juntima

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to the RCE filed on June 1, 2007.
2. Claims 1-10 are currently rejected under 35 U.S.C. 103(a).
3. Claims 11-18 remain rejected under 35 U.S.C. 102(e).

Claim Objections

4. Claims 11, 15, 16, and 17 are objected to because of the following informalities:
 - in claim 11, line 4, “are” should be changed to “is” to put the claim in a better form;
 - in claim 15, line 3, “one of” should be inserted after “access,” see claim 2;
 - in claims 16 and 17, line 5, “said local VoIP network” after “servicing” should be changed to “one of said local VoIP networks”, and “said local VoIP network” after “a user of said” should be changed to “one of said VoIP networks”;

line 8, “one of” should be inserted after “access,” see claim 2;

line 10, “further comprising” should be changed to “providing”

to put the claims in a better form.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 11-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Ma et al. ("Ma") (USPN 6,795,867 B1).

Regarding claim 11, Ma teaches a method, comprising:

Monitoring whether a plurality of local gatekeepers (gatekeepers 220 and 222 in Fig. 2 coupled to a central LMU, col. 6, lines 5-9 and 45-48) are available (the central LMU 358 in Fig. 3B must monitor zone gatekeepers availability to perform call redirection based on gateway availability). See col. 6, lines 42-51 and col. 8, lines 6-40.

Providing backup gatekeeper services from a backup gatekeeper (gatekeeper 224, Fig. 2) if any of said local gatekeepers is determined by an associated router (the central LMU) to not be available (col. 6, lines 62-col. 7, lines 7), and a user (endpoint 244 desires to call endpoint 242, Fig. 2) of a not available local gatekeeper (gatekeeper 220, Fig. 2) is determined to be a subscriber to backup gatekeeper services (because endpoint 244 registers via a RAS process with gatekeeper 220 for services which also include services provided by backup gatekeeper 224 before initiating a call setup process and receiving services from the backup gatekeeper 224, see col. 6, lines 42-51, 62-col. 7, lines 7, therefore, when initiating a call setup process by endpoint 244, endpoint 244 must be determined to be a subscriber to backup service to enable it to receive the service from the backup gatekeeper 224. Note that the detail of how to the determination is made is not further defined).

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Regarding claims 12 and 13, a proxy server/a router (the central LMU coupled to gatekeepers 220 and 222, col. 6, lines 45-48 and a central LMU 358 in Fig. 3B) determines if a local gatekeeper (gatekeeper 220, Fig. 2) is unavailable and routes gatekeeper signaling to the backup gatekeeper (gatekeeper 224, Fig. 2) in response thereto. See col. 6, lines 62-col. 7, lines 7 and col. 8, lines 12-13, 21-40.

Regarding claim 14, as shown in Fig. 2, Ma teaches a method, comprising:

Providing a plurality of local VoIP networks (components connected locally to respective networks 202 and 204 constitute a plurality of local VoIP networks) serviced by local gatekeepers (gatekeepers 220 and 222). See col. 6, lines 31-45.

Providing a backup gatekeeper (gatekeeper 224), said backup gatekeeper provides gatekeeper services to individual ones of said local VoIP networks if a local gatekeeper servicing one of said local VoIP networks is not available (col. 6, lines 62-col. 7, lines 22) and a user (endpoint 244 desires to call endpoint 242) of said one of said local VoIP networks is a subscriber to backup gatekeeper services (because endpoint 244 registers via a RAS process with a gatekeeper 220 for services which also include services provided by backup gatekeeper 224 before initiating a call setup process and receiving services from the backup gatekeeper 224, see col. 6, lines 41-51, 62-col. 7, lines 7, therefore, endpoint 244 is a subscriber to backup services).

Providing a router (the LMU of gatekeeper 220) configured to determine if a local gatekeeper is unavailable prior to routing a call request to the backup gatekeeper. See col. 6, lines 62-col. 7, lines 7.

Regarding claim 15, since Ma further teaches (i) that backup gatekeeper 224, Fig. 2 sets up and services a call for registered endpoints 244 and 240 who registered with unavailable local gatekeeper 220 and 222, respectively, (col. 7, lines 62-col. 7, lines 23), and (ii) two important call control functions performed by a gatekeeper for registered endpoints are address translation and bandwidth management (col. 5, lines 18-30), therefore, the backup gatekeeper 224, Fig. 2 must maintain local gatekeeper profiles (registration/subscription data of the registered endpoints of gatekeepers 220 and 222) in a database and access one of said local profiles when a corresponding local gatekeeper is unavailable in order to properly set up and service a call for a corresponding registered endpoint.

Regarding claims 16 and 17, as shown in Fig. 2, Ma teaches a method, comprising:

Providing a plurality of local VoIP networks (components connected locally to respective networks 202 and 204 constitute a plurality of local VoIP networks) serviced by local gatekeepers (gatekeepers 220 and 222). See col. 6, lines 31-45.

Providing a backup gatekeeper (gatekeeper 224), said backup gatekeeper provides gatekeeper services to individual ones of said local VoIP networks if a local gatekeeper servicing one of said local VoIP networks is not available (col. 6, lines 62-col. 7, lines 22) and a user (endpoint 244 desires to call endpoint 242) of said one of said local VoIP networks is a subscriber to backup gatekeeper services (because endpoint 244 registers via a RAS process with a corresponding gatekeeper 220 for services which also include services provided by backup gatekeeper 224 before initiating a call setup process and receiving services from the backup

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gatekeeper 224, see col. 6, lines 41-51, 62-col. 7, lines 7, therefore, endpoint 244 is a subscriber to backup services).

Wherein said backup gatekeeper is configured to maintain local gatekeeper profiles in a database and access one of said local profiles when a corresponding local gatekeeper is unavailable (because Ma further teaches (i) that the backup gatekeeper 224 sets up and services a call for unavailable local gatekeepers 220 and 222, col. 6, lines 62-col. 7, lines 23, and (ii) two important call control functions performed by a gatekeeper for registered endpoints are address translation and bandwidth management, col. 5, lines 18-30, therefore, the backup gatekeeper 224 must maintain registration data/subscription information of the registered endpoints of gatekeepers 220 and 222 in a database and access one of the data when a corresponding local gatekeeper is unavailable in order to properly set up and service a call for a corresponding registered endpoint on behalf of the unavailable gatekeeper).

Providing a proxy server/one router (the central LMU coupled to gatekeepers 220 and 222, col. 6, lines 45-48 and a central LMU 358 in Fig. 3B) configured to direct call signaling to the local gatekeepers if the local gatekeepers are available and to the backup gatekeeper if the local gatekeepers are not. See col. 6, lines 62-col. 7, lines 23, and col. 8, lines 12-13 and 21-40.

Regarding claim 18, Ma teaches that said backup gatekeeper (gatekeeper 224, Fig. 2) is provided by a Network Services Provider (a system operator that operates gatekeeper 224, col. 5, lines 32-36).

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7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ma (US 6,795,867 B1) in view of Dorenbosch (US 6,907,237 B1).

Regarding claim 1, as shown in Fig. 2, Ma teaches a VoIP telecommunications system, comprising:

A plurality of local VoIP networks (components connected locally to respective networks 202 and 204 constitute a plurality of local VoIP networks) serviced by local gatekeepers (gatekeepers 220 and 222). See col. 6, lines 31-45.

A backup gatekeeper (gatekeeper 224), said backup gatekeeper provides gatekeeper services to individual ones of said local VoIP networks if a local gatekeeper servicing one of said local VoIP networks is not available. See col. 6, lines 62-col. 7, lines 22.

Wherein a router or proxy server (the LMU of gatekeeper 220) determines if a local gatekeeper (gatekeeper 220) is unavailable prior to routing a call request to the backup gatekeeper (gatekeeper 224). See col. 6, lines 62-col. 7, lines 7.

Although Ma teaches that access to the backup gatekeeper is provided by subscription of users to a VoIP provider (endpoint 244/240 registers via a RAS process with his corresponding gatekeeper 220/222 before initiating a call setup process and receiving services from the backup gatekeeper 224, see col. 6, lines 41-51, 62-col. 7, lines 23), Ma does not explicitly teach that the

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backup services subscription of users to a VoIP provider is separate from a subscription to provider services to users of particular ones of the plurality of local VoIP networks.

In an analogous art of providing a separate subscription to backup services in a communication system, as shown in Fig. 1, Dorenbosch teaches a wireless system that provides an access to backup base station 20 (equivalent to access to a backup gatekeeper) for allowing subscribers 12 who subscribe to first class service to receive service from main base station 14 during normal operation and receive backup service from backup base station 20 when the main base station 14 becomes unavailable; however, those who subscribe to a second class of service will be denied of service when the main base station 14 is unavailable (equivalent to access to the backup gatekeeper is provided by subscription of users to a VoIP provider to provide backup services separate from a subscription to provider services to users of particular ones of the plurality of local VoIP networks). See Abstract and col. 6, lines 19-32.

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the teaching of Ma by applying a separate subscription to backup services of Dorenbosch such that access to the backup gatekeeper is provided by subscription of users to a VoIP provider to provide backup services separate from a subscription to provider services to users of particular ones of the plurality of local VoIP networks would be included as claimed. The suggestion/motivation to do so would have been to reduce the system cost and enable the system operators to offer services commensurate with class of service as suggested by Dorenbosch (col. 2, lines 56-63).

Regarding claim 2, since Ma further teaches (i) that the backup gatekeeper 224, Fig. 2 sets up and services a call for unavailable local gatekeepers 220 and 222, Fig. 2, (col. 6, lines 62-col. 7, lines 23), and (ii) two important call control functions performed by a gatekeeper for registered endpoints are address translation and bandwidth management, for registered endpoints (col. 5, lines 18-30), therefore, the backup gatekeeper 224 must maintain local gatekeeper profiles (registration data/subscription information of registered endpoints of gatekeepers 220 and 222) in a database and access one of said local profiles when a corresponding local gatekeeper is unavailable in order to properly set up and service a call for a corresponding registered endpoint.

Regarding claims 3 and 4, as shown in Fig. 2, Ma teaches a VoIP telecommunications system, comprising:

A plurality of local VoIP networks (components connected locally to respective networks 202 and 204 constitute a plurality of local VoIP networks) serviced by local gatekeepers (gatekeepers 220 and 222). See col. 6, lines 31-45.

A backup gatekeeper (gatekeeper 224), said backup gatekeeper provides gatekeeper services to individual ones of said local VoIP networks if a local gatekeeper (gatekeepers 220) servicing one of said local VoIP networks is not available (col. 6, lines 62-col. 7, lines 23).

Wherein said backup gatekeeper is configured to maintain local gatekeeper profiles in a database and access one of said local profiles when a corresponding local gatekeeper is unavailable (because Ma further teaches (i) that the backup gatekeeper 224, Fig. 2 sets up and services a call for unavailable local gatekeepers 220 and 222, Fig. 2, col. 6, lines 62-col. 7, lines

23, and (ii) two important call control functions performed by a gatekeeper for registered endpoints are address translation and bandwidth management, for registered endpoints, col. 5, lines 18-30, therefore, the backup gatekeeper 224 must maintain registration data/subscription information of registered endpoints of gatekeepers 220 and 222 in a database and access one of the data when a corresponding local gatekeeper is unavailable in order to properly set up and service a call for a corresponding registered endpoint).

A proxy server/one router (the central LMU coupled to gatekeepers 220 and 222, col. 6, lines 45-48 and a central LMU 358 in Fig. 3B) directs call signaling to the local gatekeepers if the local gatekeepers are available and to the backup gatekeeper if the local gatekeepers are not. See col. 6, lines 62-col. 7, lines 23, and col. 8, lines 12-13 and 21-40.

Although Ma teaches that access to the backup gatekeeper is provided by subscription of users to a VoIP provider (endpoint 244/240 registers via a RAS process with his corresponding gatekeeper 220/222 before initiating a call setup process and receiving services from the backup gatekeeper 224, see col. 6, lines 41-51, 62-col. 7, lines 23), Ma does not explicitly teach that the backup services subscription of users to a VoIP provider is separate from a subscription to provider services to users of particular ones of the plurality of local VoIP networks.

In an analogous art of providing a separate subscription to backup services in a communication system, as shown in Fig. 1, Dorenbosch teaches a wireless system that provides an access to backup base station 20 (equivalent to access to a backup gatekeeper) for allowing subscribers 12 who subscribe to first class service to receive service from main base station 14 during normal operation and receive backup service from backup base station 20 when the main base station 14 becomes unavailable; however, those who subscribe to a second class of service

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will be denied of service when the main base station 14 is unavailable (equivalent to access to the backup gatekeeper is provided by subscription of users to a VoIP provider to provide backup services separate from a subscription to provider services to users of particular ones of the plurality of local VoIP networks). See Abstract and col. 6, lines 19-32.

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the teaching of Ma by applying a separate subscription to backup services of Dorenbosch such that access to the backup gatekeeper provided by subscription of users to a VoIP provider to provide backup services separate from a subscription to provider services to users of particular ones of the plurality of local VoIP networks would be included as claimed. The suggestion/motivation to do so would have been to reduce the system cost and enable the system operators to offer services commensurate with class of service as suggested by Dorenbosch (col. 2, lines 56-63).

Regarding claim 5, Ma teaches that said backup gatekeeper (gatekeeper 224, Fig. 2) is provided by a Network Services Provider (a system operator that operates gatekeeper 224, see also col. 5, lines 32-36).

Regarding claim 6, as shown in Fig. 2, Ma teaches a telecommunications gatekeeper (gatekeeper 224), comprising:

A control unit (a processor must be included in gatekeeper 224 to perform address translation and bandwidth management functions for registered endpoints, col. 5, lines 18-30).

A plurality of local gatekeeper modules corresponding to local gatekeepers (gatekeepers 220 and 222) associated with said telecommunications gatekeeper, wherein said control unit selects, for operation, individual ones of said local gatekeeper modules when corresponding ones of said local gatekeepers are unavailable (because Ma further teaches that (i) gatekeeper 224 sets up and services calls for unavailable zone gatekeepers 220 and 222, col. 6, lines 62-col. 7, lines 23, and that (ii) two important call control functions performed by a gatekeeper for registered endpoints are address translation and bandwidth management, col. 5, lines 18-30, therefore, it is inherent that gatekeeper 224 must have a plurality of modules corresponding to gatekeepers 220 and 222 which must be selected in order to successfully set up and service calls for the corresponding registered endpoints when the corresponding gatekeepers 220 and 222 become unavailable).

The unavailability of the corresponding ones of the local gatekeepers is reported by a router or proxy server (the central LMU coupled to gatekeepers 220 and 222 issues the redirection message to endpoint 244/240 when gatekeeper 220/222 is non-functional, directing the endpoint to access gatekeeper 224 for service, see col. 6, lines 45-48, 66-col. 7, lines 18, and a central LMU 358 in Fig. 3B).

Although Ma teaches subscription of users to a VoIP provider to provide backup services (endpoint 244/240 registers via a RAS process with his corresponding gatekeeper 220/222 and receives backup services, see col. 5, lines 18-36 and col. 6, lines 62-col. 7, lines 23), Ma does not explicitly teach that selection of individual ones of said local gatekeeper modules is based on subscription of users to a VoIP provider to provide backup services separate from a subscription to provider services to users of individual ones of a plurality of local VoIP networks.

In an analogous art of providing a separate subscription to backup services in a communication system, as shown in Fig. 1, Dorenbosch teaches a wireless system that provides an access to backup base station 20 (equivalent to access to a backup gatekeeper) for allowing subscribers 12 who subscribe to first class service to receive service from main base station 14 during normal operation and receive backup service from backup base station 20 when the main base station 14 becomes unavailable; however, those who subscribe to a second class of service will be denied of service when the main base station 14 is unavailable (equivalent to subscription of users to a VoIP provider to provide backup services is separate from a subscription to provider services to users of particular ones of the plurality of local VoIP networks). See Abstract and col. 6, lines 19-32.

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the teaching of Ma by applying a separate subscription to backup services of Dorenbosch such that selection of individual ones of said local gatekeeper modules is based on subscription of users to a VoIP provider to provide backup services separate from a subscription to provider services to users of individual ones of a plurality of local VoIP networks would be included as claimed. The suggestion/motivation to do so would have been to reduce the system cost and enable the system operators to offer services commensurate with class of service as suggested by Dorenbosch (col. 2, lines 56-63).

Regarding claim 7, as shown in Fig. 2, Ma teaches a telecommunications system, comprising:

A plurality of voice over packet networks (components connected locally to respective networks 202 and 204 constitute a plurality of voice over packet networks), each of said voice over packet networks having an associated local gatekeeper (corresponding gatekeepers 220 and 222). See col. 6, lines 31-45.

A backup gatekeeper (gatekeeper 224) having a plurality of local gatekeeper modules corresponding to local gatekeepers and selects, for operation, individual ones of said local gatekeeper modules when corresponding ones of said local gatekeepers (gatekeepers 220 and 222) are unavailable (since Ma further teaches that (i) gatekeeper 224 sets up and services calls for unavailable zone gatekeepers 220 and 222, col. 6, lines 62-col. 7, lines 23, and that (ii) two important call control functions performed by a gatekeeper for registered endpoints are address translation and bandwidth management, col. 5, lines 18-30, therefore, it is inherent that gatekeeper 224 must have a plurality of modules corresponding to gatekeepers 220 and 222 which must be selected in order to successfully set up and service calls for the corresponding registered endpoints when the corresponding gatekeepers 220 and 222 become unavailable).

Although Ma teaches subscription of users to a VoIP provider to provide backup services (endpoint 244/240 registers via a RAS process with his corresponding gatekeeper 220/222 and receives backup services, see col. 5, lines 18-36 and col. 6, lines 62-col. 7, lines 23), Ma does not teach access to individual ones of said local gatekeeper modules in the backup gatekeeper is provided by subscription of users to a VoIP provider to provide backup services separate from a subscription to provider services to users of the individual ones of the plurality of voice over packet networks.

In an analogous art of providing a separate subscription to backup services in a communication system, as shown in Fig. 1, Dorenbosch teaches a wireless system that provides an access to backup base station 20 (equivalent to access to a backup gatekeeper) for allowing subscribers 12 who subscribe to first class service to receive service from main base station 14 during normal operation and receive backup service from backup base station 20 when the main base station 14 becomes unavailable; however, those who subscribe to a second class of service will be denied of service when the main base station 14 is unavailable (equivalent to access to the backup gatekeeper is provided by subscription of users to a VoIP provider to provide backup services separate from a subscription to provider services to users of particular ones of the plurality of local VoIP networks). See Abstract and col. 6, lines 19-32.

Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the teaching of Ma by applying a separate subscription to backup services of Dorenbosch such that access to the backup gatekeeper provided by subscription of users to a VoIP provider to provide backup services separate from a subscription to provider services to users of particular ones of the plurality of voice over packet networks would be included as claimed. The suggestion/motivation to do so would have been to reduce the system cost and enable the system operators to offer services commensurate with class of service as suggested by Dorenbosch (col. 2, lines 56-63).

Regarding claims 8 and 9, because Ma teaches that that gatekeeper 224 in Fig. 2 sets up and services a call between endpoints 240 and 234 when gatekeeper 222 is not available (col. 7, lines 8-23), and Fig. 2 shows that router 210 connects backup gatekeeper 224 to endpoint 240,

therefore, router 210 (a proxy server/a router) must route gatekeeper signaling to and from gatekeeper 224 (the backup gatekeeper) when gatekeeper 222 (a local gatekeeper) is not available.

Regarding claim 10, since Ma teaches that the backup gatekeeper 224, Fig. 2 provides services to registered endpoints 244 and 240 (col. 6, lines 62-col. 7, lines 23), it is inherent that the backup gatekeeper 224 must be programmed to provide its local gatekeeper modules for services as a subscription service. Ma also teaches that said backup gatekeeper (gatekeeper 224, Fig. 2) is provided at a location of a service provider (a system operator that operates gatekeeper 224, see also col. 5, lines 33-36).

Response to Arguments

9. Applicant's arguments filed 2/27/2007 have been fully considered but they are not persuasive.

A. In the arguments regarding claims 11, 14, 16, and 17, the applicant argues that Ma does not teach that the users of the local VoIP network are subscribers to backup gatekeeper service and backup services can be provided on a subscriber-only basis as recited in the claims.

In response, Ma clearly teaches that both endpoints 244 and 240 register with their respective gatekeepers 220 and 222 via a RAS registration process then receive backup services from backup gatekeeper 224 when gatekeepers 220 and 222 are unavailable. See col. 6, lines 62-col. 7, lines 23. Therefore, the registered endpoints 224 and 240 are indeed subscribers to backup gatekeeper services, and the limitation the users of the local VoIP network are

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subscribers to backup gatekeeper service is met. It is noted that the features upon which applicant relies (i.e., backup services is provided on a subscriber-only basis) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Accordingly, the rejection is sustained.

B. In the arguments regarding claims 2-5, 7, and 15-18, the applicant argues that Ma does not teach maintaining local gatekeeper profiles in a database because Ma does not provide for a subscriber-based system so there is no reason for Ma to provide such local gatekeeper databases.

In response, Ma teaches that endpoints 244 and 240 register (subscribe) with gatekeepers 220 and 222, respectively, via a RAS registration process. See col. 5, lines 20-25, col. 6, lines 62-64, and col. 7, lines 9-11. Therefore, it is clear that a subscriber-based system is taught by Ma. Also, Ma teaches that the registered endpoints 244 and 240 receive call setup and services from backup gatekeeper 224 when the gatekeepers 220 and 222 are unavailable (col. 7, lines 5-7 and 20-23), and call control functions performed by gatekeeper 224 include address translation and bandwidth management, and optionally H.323 call routing (col. 5, lines 20-30, 43-49). Therefore, in order to enable the backup gatekeeper 224 to successfully and properly provide call setup and services to the registered endpoints 244 and 240, the registration data/subscription data of the registered endpoints must be stored in an inherent data storage or a database following completion of the RAS registration process and be available to the backup gatekeeper 224 (maintaining local gatekeeper profiles in a database) for use during address translation and service provision processing.

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The support for the concept of maintaining a database of gatekeeper profiles to provide services can be found in many prior arts, for example:

- an art of record US 6,374,302 B1 (a customer database 320, Fig. 3, see Abstract and col. 1, lines 59-col. 2, lines 5, col. 5, lines 29-64 and col. 6, lines 14-52);
- an art of record US 6,519,249 B1 (gatekeeper database 308, Fig. 3A stores subscriber information, Abstract, col. 7, lines 29-40); and
- US 6,650,619 B1 (gatekeeper sends request or queries to a database when processes signaling messages during call setup, col. 7, lines 1-13, 19-22, col. 9, lines 19-col. 10, lines 7).

More importantly, the concept is admitted by the applicant himself as a typical concept ("The gatekeeper is typically equipped with a database of users for whom it provides secondary service" -- see the last two lines on page 1 of the Declaration under 37 CFR §1.131 submitted on 3/15/2006).

Further, note that the claims do not specify the location of the database, detailed structure of the database (centralized or distributed), or content of the profiles to exclude the inherent storage/database from being interpreted on the claimed database.

Thus, the claim limitation is met and the rejection is sustained.

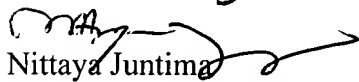
Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nittaya Juntima whose telephone number is 571-272-3120. The examiner can normally be reached on Monday through Friday, 8:00 A.M - 5:00 P.M.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on 571-272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Nittaya Juntima
Patent Examiner, AU 2616
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